

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff.

v.

TIMOTHY JOSEPH LEIWEKE,

Defendant.

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Criminal No. 1:25-CR-00344 ADA

**UNITED STATES' RESPONSE TO DEFENDANT'S
NOTICE OF REQUEST FOR RULE 404(b) EVIDENCE**

The United States of America hereby responds to the defendant's Notice of Request to Disclose All Evidence Government Intends to Offer Under Federal Rule of Evidence 404(b), filed on September 30, 2025. (Dkt. 43).

In his filing, Defendant seeks notice of all evidence that the government intends to offer under Rule 404(b), including (1) a description of the other act; (2) names and addresses of all witnesses of the other act; (3) exculpatory evidence about the other act; and (4) the purpose for which the evidence would be offered. (Dkt. 43 at 1).

The Government will provide notice of any "other acts" evidence as required by Rule 404(b) and in accordance with any pretrial scheduling order entered in this case. Specifically, the Government will provide reasonable notice in writing of any such evidence that it intends to introduce, including an articulation of the permitted purpose of the evidence and the reasoning that supports the purpose. Fed. R. Evid. 404(b)(3). The Government objects to being required to provide information beyond that which is required by the Rule, including names and addresses of witnesses. *See* Fed. R. Evid. 404(b), 1991 advisory committee notes (amended Rule is not intended

to “require the prosecution to disclose directly or indirectly the names and addresses of witnesses”).

Respectfully submitted on October 3, 2025.

By: /s/ Ryan D. Budhu

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